

REMARKS/ARGUMENTS

In the above-mentioned office action, all of the pending claims, claims 1, 3-5, 7, 9-20, 22, 23, 27-32, 36, and 37 were rejected. The claims were rejected under Section 103 (a) over the combination of Park, Ue, and Chen.

The Examiner relied primarily upon Park but acknowledged that Park fails to teach a signal to noise ratio and a desired signal component value. The Examiner relied upon Ue for showing a device of controlling transmission rate that teaches a system for controlling transmit power of a forward link in a communication network. The Examiner further acknowledged that Ue also fails to teach a desired signal component value but relied upon Chen for transmitting a desired component value.

Responsive to the rejection of the claims, independent claims 1, 17, 36, and 37 have been amended in manners believed better to distinguish the invention of the present application over the cited combination of references used thereagainst. Amendments made to various of the dependent claims are made responsive to amendments made to their parent claim.

Support for the amendments is found in the specification, for instance, on page 3, lines 21-24, page 3, line 32 -page 4, and page 6, lines 11-14.

As now recited, exemplary claim 1 states that the transmit power of a forward link preamble signal sent between a base station and a mobile device is controlled. A first signal is sent from the base station to the mobile device prior to sending the preamble signal. And, the first signal is stated to be received at the mobile device prior to receiving the preamble signal. The second signal is stated to contain a desired preamble signal component value.

In other words, the first signal is conveyed prior to conveying the preamble signal. The other independent claims, claims 17, 36, and 37, have been analogously amended.

The applicant believes that no combination of the references can be formed to create the invention recited in any of the independent claims, as now presented.

Reliance on Park is believed to be misplaced. Park appears generally to pertain to how an initial forward link transmission power is determined. And, in particular, equation 3 set forth on page 14, lines 18-20 of Park, indicates that the initial transmission power plus (E_b/N_t) required less (E_b/N_t) pilot rx. And line 13 of page 14 of Park indicates that the (E_b/N_t) required value is the required value for a forward link channel.

And, lines 3-11 of page 14 of Park specifies that the mobile device specifies that the mobile device provides the (E_b/N_t) pilot rx and transmits this to the base station. The base station then uses the (E_b/N_t) required value and the (E_b/N_t) pilot rx value transmission power.

This disclosure is believed to differ with the operation set forth in the present application, and recited in the claims, as now presented. Specifically, as recited in exemplary claim 1, the transmit power of the forward link preamble signal is controlled. The forward link preamble signal is sent after the first signal is sent. And, therefore, Park is directed towards controlling a forward link transmission power of different signal than that recited in claim 1.

Additionally, the Examiner's assertion relating to the recitation of "determining a desired value for the signal component" is also believed to be misplaced. The independent claims do not recite such subject matter. And, Park appears to calculate "power" and not SNR or a derivative of the SNR.

The applicant further believes that the Examiner erroneously construed the "first signal" and the "preamble" claim recitations by interpreting, or equating, the "pilot signal" as the "preamble". Such an interpretation would relate to a different ordering of events, different than what is claimed. There would not appear to be a reasonable expectation of success in using the disclosure of Park, as construed by the Examiner in the rejection, because another preamble being sent before the sending of the claimed preamble is not regarded as a solution, nor described, nor claimed.

The Examiner's reliance upon Chen is also believed to be misplaced. Chen describes traffic state subject matter. QoS parameters, such as bandwidth, data rate, and content priority represent higher layer concepts and not those that are claimed in the pending claims. The final seven lines of paragraph 33 on page 4 of Chen identifies a connection set up state and a traffic state, two distinct states of a mobile device. The present application, e.g., as described on page

1, line 13 to page 2, line 15 is concerned with the initial stages of the initial set up state and not with the traffic state. If a forward link preamble signal has not been sent yet because the setting of the transmit power of such a signal has not been performed, a traffic state is not in effect.

Ue also pertains to the traffic state and describes steps performed while a traffic state is in effect. Transmit rate control is a traffic state concept, and, therefore, Ue is further believed to pertain to a subject area different than that disclosed in the present application and claimed in the claims thereof. And, while the Examiner states that Ue teaches a mobile device adapted to receive a first signal from a base station, as described in Figure 8, the applicant believes that Figure 8 teaches away from the cited invention by teaching a mobile station that transmits first, i.e., prior to sending out a signal by a base station.

Further, the applicant believes that the Examiner's statement that Ue teaches evaluating a signal to noise ratio of the first signal at column 3, line 66 - column 4, line 27 is in error. The cited passage states that a power value is calculated. And, the Examiner's reliance upon column 5, lines 31-48 of Ue not to be relevant as the description cited in this passage does not relate to steps performed by a mobile station. And, the applicant further believes that the Examiner's reliance upon Ue for teaching setting of the transmit power of the forward link signal, citing Figure 12 and the description on column 6, line 59 - column 7, line 8, also to be in error. In this passage, Ue actually teaches away from the claimed invention by teaching the setting of the transmission rate. There would seem not to be an equivalence between setting the transmission rate in a traffic state and setting the power of a forward preamble signal in the initial stages of a connection set up state.

For these reasons, therefore, none of the references discloses subject matter claimed in any of the independent claims. And, as the remaining dependent claims include all of the limitations of all of their respective parent claims, these claims are believed to be distinguishable over any combination of the references as those just-given with respect to their parent claims.

Accordingly, the claims, as now-presented, are believed to be patentably distinguishable over the cited combination. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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